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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/380,784	09/09/1999	YOSHITO NEJIME	501.37519X00	3064
20457	7590	10/08/2003	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			KOENIG, ANDREW Y	
		ART UNIT	PAPER NUMBER	
		2611	5	
DATE MAILED: 10/08/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/380,784	NEJIME ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andrew Y Koenig	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 4-7,9 and 11-21 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 4-7,9 and 11-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |                                                                                                              |                                                                              |
|--------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: _____ .                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Regarding claim 4, claim 4 recites, "playing back said video and audio stored in said storage unit." The examiner notes that only the broadcast information is stored in the storage unit as recited in lines 10-12, but there exist ambiguity with "said video and audio data" in that both the broadcast information and auxiliary information have "video and audio data." Accordingly, "playing back said video and audio stored in the said storage unit" will be interpreted as "playing back said video and audio of said broadcast information stored in the said storage unit," for the rest of the this Office Action.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 9, 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,172,111 to Olivo, Jr. (Olivo).

Regarding claim 9, Olivo teaches receiving a broadcast signal (program material signal) interlocked with auxiliary information including a script (material content signal) (col. 5-6, ll. 63-4). Olivo teaches that the broadcast information includes audio and video data (col. 6, ll. 59-65) and the auxiliary information indicates the material content and the alternate sources being a secondary source. Olivo teaches storing the broadcast information in a storage unit (col. 5, ll. 26-35). Olivo teaches playing back the broadcast information (col. 5, ll. 36-41). Further, Olivo teaches stopping the visual presentation of the stored broadcast signal and playing an alternate video triggered by the auxiliary information (col. 7, ll. 48-54). Olivo teaches substituting scenes in a video sequence with more acceptable content (col. 7, ll. 48-54), one would readily recognize that the system of Olivo switching back to the broadcast information signal at the completion of the substituted signal (col. 14, ll. 30-53). Olivo teaches selective selection of the script, depending on the MCS evaluation switch (col. 14, ll. 30-53, col. 16, ll. 1-27).

Regarding claims 19 and 21, Olivo teaches receiving a broadcast signal (program material signal) interlocked with auxiliary information including a script (material content signal) (col. 5-6, ll. 63-4). Olivo teaches auxiliary information comprising video segments, which reads individual auxiliary pieces (col. 7, ll. 36-54). Further, Olivo teaches that the auxiliary and broadcast signals are stored on the same medium, which in itself identifies the auxiliary information to the program.

Regarding claim 20, Olivo teaches the time information for determining playback times of the auxiliary information (col. 7, ll. 36-54).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,172,111 to Olivo, Jr. (Olivo) in view of U.S. Patent 6,029,045 to Picco et al. (Picco).

Regarding claims 4, Olivo teaches receiving a broadcast signal (program material signal) interlocked with auxiliary information (material content signal) (col. 5-6, II. 63-4). Olivo teaches that the broadcast information includes audio and video data (col. 6, II. 59-65) and the auxiliary information indicates the material content and the alternate sources being a secondary source. Olivo is silent on the material content signal (claimed auxiliary information) being audio and video data. Picco teaches supplemental audio and video content being sent to the user via a broadcast (fig. 5-6, col. 9, II. 1-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivo by receiving the auxiliary information from the same source as taught by Picco in order to maximize bandwidth thereby reducing additional playback resources. Olivo teaches storing the broadcast information in a storage unit (col. 5, II. 26-35). Olivo teaches playing back the broadcast information (col. 5, II. 36-41). Further, Olivo teaches stopping the visual presentation of

the stored broadcast signal and playing an alternate video triggered by the auxiliary information (col. 7, ll. 48-54).

Regarding claims 5 and 6, Olivo teaches substituting scenes in a video sequence with more acceptable content (col. 7, ll. 48-54), one would readily recognize that the system of Olivo switching back to the broadcast information signal at the completion of the substituted signal (col. 14, ll. 30-53).

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,172,111 to Olivo, Jr. (Olivo) and U.S. Patent 6,029,045 to Picco et al. (Picco) in view of U.S. Patent 5,701,383 to Russo et al.

Regarding claim 7, Olivo is silent on concurrently storing the broadcast information and playing back video and audio stored in the storage unit. Russo teaches concurrent reading and writing of information onto a medium (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivo by concurrent reading and writing of information onto a medium in order to implement the system with one device thereby reducing the duplication of the storage mediums

9. Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,172,111 to Olivo, Jr. (Olivo).

Regarding claims 11 and 12, Olivo teaches receiving a broadcast signal (program material signal) interlocked with auxiliary information (material content signal)

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(col. 5-6, ll. 63-4). Olivo teaches that the broadcast information includes audio and video data (col. 6, ll. 59-65) and the auxiliary information indicates the material content and the alternate sources being a secondary source. Olivo teaches storing the broadcast information in a storage unit (col. 5, ll. 26-35). Olivo teaches playing back the broadcast information with auxiliary information by controlling read operations carried out be said read unit with predetermined timing (col. 5, ll. 36-41), but is silent on a processor. Official Notice is taken that processors are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivo by using a processor in order to simplify the circuitry and provide additional services.

Regarding claims 13 and 14, Olivo teaches receiving a broadcast signal (program material signal) interlocked with auxiliary information (material content signal) (col. 5-6, ll. 63-4). Olivo teaches that the broadcast information includes audio and video data (col. 6, ll. 59-65) and the auxiliary information indicates the material content and the alternate sources being a secondary source. Olivo teaches storing the broadcast information in a storage unit (col. 5, ll. 26-35). Olivo teaches playing back the broadcast information with auxiliary information by controlling read operations carried out be said read unit with predetermined timing (col. 5, ll. 36-41), but is silent on a processor. Official Notice is taken that processors are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivo by using a processor in order to simplify the circuitry and provide additional services. Olivo teaches substituting scenes in a video sequence with

more acceptable content (col. 7, ll. 48-54), one would readily recognize that the system of Olivo switching back to the broadcast information signal at the completion of the substituted signal (col. 14, ll. 30-53).

Regarding claims 15 and 16, Olivo teaches substituting scenes in a video sequence with more acceptable content (col. 7, ll. 48-54), one would readily recognize that the system of Olivo switching back to the broadcast information signal at the completion of the substituted signal (col. 14, ll. 30-53).

Regarding claim 17, the material content signal (MCS) of Olivo reads on the auxiliary information including a "script."

Regarding claim 18, Olivo teaches selective selection of the script, depending on the MCS evaluation switch (col. 14, ll. 30-53, col. 16, ll. 1-27).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,137,486 to Yoshida et al. teaches replacing and restricting content to be displayed (abstract).

U.S. Patent 5,774,666 to Portuesi teaches URLs (auxiliary information) embedded into stored movie files (fig. 1, 5).

U.S. Patent 5,737,552 to Lavalee et al. teaches selectively navigating through desired scenes (abstract).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



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